IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRIT No. 1939 of 2007

CHOKA RAM & ORS
V/S
BIRMA RAM & ORS.

Mr. RAJESH JOSHI for Mr. KASHI NATH JOSHI, for the appellant / petitioner

Date of Order : 19.7.2007

HON'BLE SHRI N P GUPTA,J.

ORDER

By the impugned order, the learned trial court has dismissed the application for amendment of the written statement.

Learned counsel for the petitioner submits that in para-1 of the written statement, the plaintiff wants to substitute the word “ASHWIKAR” by the word “SWIKAR”, and wants to make certain more amendments in para-9 by giving names of the daughters of late Kaluram.

In my view, the pleading is already there in para-9 about the daughters of Kaluram having not been impleaded in the matter. In these circumstances, non-mentioning of the name in the pleadings cannot be said to be very material, so as to require mentioning of the names by

amendment.

So far as the amendment sought in para-1 of the written statement is concerned, it is always open to the parties to admit a fact which had already been denied.

In that view of the matter, there is no error on the part of the learned trial court in dismissing the application for amendment so as to require interference in my writ jurisdiction.

The writ petition is, therefore, dismissed summarily.

(N P GUPTA),J.

/sushil/